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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,315	12/12/2000	Jesse Chin	10992775-1	4955

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AGILENT TECHNOLOGIES
Legal Department, 51U-PD
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EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT PAPER NUMBER

2828

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,315

Applicant(s)

CHIN ET AL.

Examiner

Armando Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 13, 2002 have been fully considered but they are not persuasive.

Regarding claims 1-8.

Arguments pertaining to an open loop or feedback are irrelevant, since no such limitations are recited within the claim language and the claimed limitations do not preclude the cited prior art. In column 3 lines 33-37 clearly suggest compensation for age and temperature.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim1.

It is not clear within the claim language as to which drive waveform parameter the driver circuit updates, since applicant does not make reference to the stored waveform parameters but implies another waveform parameter in line 7 of claim 1.

It is not clear within the claim language of claim 1 as to the data, from the age and temperature compensation mechanism is based on, is it the laser or the stored waveform parameter. Applicant has not establish a relationship between the stored

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waveform parameter and the compensation mechanisms as it is portrayed within the disclosure of the invention.

Regarding claim 2.

No structure recited for the driver to perform the function of programming.

Regarding claim 3.

No structure recited for the driver to perform the function of determining.

Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9.

No structure recited to establish an open loop, since only a driver is claimed.

No structure recited for the controller to perform the claimed functional language of programming, selecting and adjusting.

Claims 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16.

It is not clear what applicant means by initially setting one drive waveform.

It is not clear where the controller and storage are integrated, in the semiconductor laser or laser driver.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (PN 5,623,355).

Olsen illustrates in figure 2 a laser transmitter having memory storage (18), a laser driver circuit (54). In column 3 lines 33-40 disclose factors, which affect the laser as aging and temperature fluctuations and where the processor compensates for these factors by elevating the laser drive current. In column 6 lines 8-18 disclose the addition of the digital-to-analog converters for their use in parallel semiconductor laser arrays.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11,13,14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shastri et al (PN 5,844,928) in view of Diaz et al (US 2002/0064193).

In figure 2 Shastri et al illustrates a laser driver having a nonvolatile memory (20), a digital controller (36) where the controller compensates for aging and temperature fluctuations by adjusting the current, as described in columns 2 and 3.

Shastri et al does not disclose the laser system as an open loop system.

In figure 4 Diaz et al illustrates a laser array driver which compensates for aging and temperature of the laser system, where the laser system may be used as a feedback or an open loop drive system, as disclosed in paragraph [0049] and [0043].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the teachings of Diaz et al with the laser system of Shastri et al because it would provide a laser drive system having the capability of use in the feedback mode or in an open loop mode.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable.

Examiner takes official notice as to using a driver circuit to drive a vertical cavity surface emitting laser (VCSEL), as such a method or structural combination, being notoriously well known in the laser art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4881.


Armando Rodriguez
Examiner
Art Unit 2828


Paul Ip
Supervisor
Art Unit 2828

AR/PI
November 4, 2002